



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
HEADQUARTERS, EIGHTH UNITED STATES ARMY  
UNIT #15236  
APO AP 96205-0009


EACG (600)

DEC 07 2001

MEMORANDUM FOR All Eighth United States Army Assigned Soldiers and Civilians

SUBJECT: Eighth United States Army (Eighth Army) Command Policy Letter # 5 -- Separation Actions UP AR 635-200, Chapter 14, Concerning Soldiers Convicted by Civil Authorities

1. Purpose. To ensure that when a foreign tribunal convicts Eighth Army soldiers, they are considered for separation and treated uniformly throughout the command.
2. Background. In accordance with AR 635-200, paragraph 14-9, major overseas commanders have authority to approve the discharge of soldiers convicted by a foreign tribunal. Discharge of convicted soldiers is not mandatory, but each case must be evaluated to determine whether separation is appropriate.
3. Discussion.
  - a. When foreign civil authorities initially convict a soldier, the immediate commander of the soldier must consider whether the specific circumstances of the case warrant separation. The commander must either initiate separation UP AR 635-200, paragraph 14-5, and process the action to the General Court-Martial Convening Authority (GCMCA) or forward a recommendation for retention through the chain of command to the GCMCA for appropriate disposition. Recommendations for retention must specify reasons why retention would be in the best interests of the Army, IAW AR 635-200, paragraph 14-7.
  - b. When the soldier's command recommends retention, the GCMCA will either approve the recommendation for retention or return the recommendation through the chain of command to the immediate commander for initiation of a separation action.
  - c. In accordance with AR 635-200, paragraph 14-9a, the GCMCAs of the 2d Infantry Division and the 19th Theater Support Command are delegated authority to discharge soldiers convicted by a foreign tribunal.

  
DANIEL R. ZANINI  
Lieutenant General, USA  
Commanding